

**MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
NOVEMBER 16, 2009**

ROLL CALL:

Members Present: Eugene Sierakowski, Chairman
Joseph Diminico, Vice Chairman
Kevin Dougan, Secretary
Andy Kidd

Alternates: Eric Prause (sitting)
Anthony Petrone (sitting for B-296)

Absent: Salvatore Mancini

Also Present: Mark Pellegrini, Director of Neighborhood
Services and Economic Development
Renata Bertotti, Senior Planner
Ginger MacHattie, Recording Secretary

Time Convened: 7:23 P.M.

OLD BUSINESS:

CMRE, LLC – 278 Hackmatack Street – Zone District Change: Rural Residence to Residence AA (C-225)

Mr. Sierakowski said action on this item had been tabled due to a petition in opposition to the zone change submitted at the prior meeting.

Ms. Bertotti said the petition did not meet the statutory requirements of 20% of the surrounding land owners signing a petition in order to require a two-thirds majority vote for approval of a zone change. Slightly below 12% of the surrounding land owners who signed the petition were valid. The Planning and Zoning Commission may approve the change with a simple majority vote.

Mr. Sierakowski said the previous PRD application was denied due to not being consistent with the surrounding zoning. The applicant came back with a request to change to Residence AA zoning, which is in keeping with the surrounding zone. As a matter of legal principal, the Planning and Zoning Commission cannot arbitrarily say no development on any piece of land. As long as the application meets the criteria, the Commission has to consider the application.

In response to a question from Mr. Diminico, Ms. Bertotti said the public hearing was closed and the decision was tabled.

Mr. Dougan said the only reason he wanted this application tabled was due to the petition. He feels the applicant has shown due diligence in coming back with a request to change to AA,

which is consistent with most parcels in the area. He cannot see any reason not to support this application.

Mr. Kidd agreed with Mr. Dougan's statements. Today this property is zoned RR and the applicant could have put a development in there, just without the same density; this may just add a couple of more lots.

Mr. Prause said the Plan of Conservation and Development calls for low density in this area, which is 3 units per acre. This application falls in line with the Plan of Conservation and Development.

Mr. Sierakowski agreed with the comments made. Details such as traffic will be addressed at a later time.

Zone District Change: Rural Residence to Residence AA (C-225)

MOTION: Mr. Dougan moved to approve the zone change because it is consistent with the Plan of Conservation and Development and the surrounding zoning, to be effective at the end of the appeal period. Mr. Diminico seconded the motion and all members voted in favor. Mr. Prause sat for this item.

FRANK BORAWSKI – 261-263 Broad Street – Special Exception Modification (B-296)

Frank Borawski, PDS Engineering, said there were some minor housekeeping issues which needed to be addressed pertaining to his application. He has no problems with the remaining staff comments. The last time this application was before the Commission, the parking aisles or aligned at a 90 degree angle with the building, addressing the Town's Traffic Engineer's concern about pedestrians crossing traffic in the former proposed parallel alignment. The parking is now consistent with the Town's request.

Ms. Bertotti further explained that since the last Planning and Zoning Commission meeting, Mr. Borawski has revised his parking plan. Only one comment remains and it is minor and technical in nature.

Special Exception Modification (B-296)

MOTION: Mr. Diminico moved to approve the special exception modification with modifications contained in a memorandum from Raymond Myette, Jr. to Renata Bertotti, dated November 16, 2009. Mr. Kidd seconded the motion and all members voted in favor. Mr. Petrone sat for this item.

NEW BUSINESS:

PETER GRADY – Zoning Regulation Amendment: Article II Section 22.02.04 (G-154)

Mr. Diminico said his biggest concern with this application is that the applicant's property abuts a residential neighborhood. If the outdoor dining were to be located on the south side of the building, he wouldn't want to live next door. However, this amendment will tidy up the regulations and he will support it.

Mr. Dougan said he will support this application because it will make this zone consistent with other zones in Town. Currently, the regulations seem to penalize a small number of restaurants within the SDC district.

Mr. Kidd said he will support this application because of its consistency and would like to see this be made a zoning regulation across the board. He said Mr. Cunningham had some valid comments and he appreciated his letter. Mr. Kidd said at some point it may be a good idea to take a look at the regulations as a whole and be sure they are consistent.

Mr. Prause agreed with the comments of his fellow Commissioners. He said the size of the restaurant should not exclude it from allowing outdoor dining and agreed the information provided by Mr. Cunningham makes a valid point. The Commission should work on strengthening its own regulations so it doesn't have a nuisance problem.

Mr. Sierakowski said he had some initial concerns, but they can be addressed through the proper controls.

Zoning Regulation Amendment: Article II Section 22.02.04 (G-154)

MOTION: Mr. Dougan moved to approve the zoning regulation amendments because they are consistent with zoning regulations for other zoning districts regarding restaurants. Mr. Diminico seconded the motion and all members voted in favor. Mr. Prause sat for this item.

EIGHTH UTILITIES DISTRICT – 361 Hilliard Street – Erosion Control Plan Modification (E-44 B)

Representing the applicant, Mr. Russell Johnston of Meehan & Goodin explained the public works garage off of Hilliard Street is under construction. He said originally there was an emergency standby generator on the south side of the building. The applicant would like to move it to the north side, which is closer to the electrical panel.

Mr. Johnston said the District recently received a wetlands approval for its North Main Street Sewer Pumping Station. The District would like to make the concrete pad bigger and enclose the emergency generator in a Kloter Farms pre-manufactured shed.

Ms. Bertotti said this would require two separate approvals. First, for the relocation of the concrete pad and realignment of the structure. The second approval would be for the proposed relocation of the generator as well as the increase of the size of the pad and the shed. This involves grading and perhaps removal of one tree. There are no outstanding staff comments.

Erosion Control Plan Modification (E-44 B)

MOTION: Mr. Dougan moved to approve the erosion control plan for the relocation of the generator. Mr. Kidd seconded the motion and all members voted in favor. Mr. Prause sat for this item.

ADMINISTRATIVE REPORTS:

NORDIC BUILDERS OF TOLLAND, LLC – 758 Tolland Turnpike – PRD Final Plan of Development (D-127C) – Administrative approval for field modifications to the location of sanitary sewer connection

Ms. Bertotti reminded the Commission members that Nordic Builders is building the 30-unit Miller Farms townhouse development on the south side of Tolland Street next to Jester's Court. When the Commission approved the preliminary and final plan, an error was made on the elevation for the sewer main on Tolland Turnpike. Once development started, the mistake was

realized. The sewer will be connected from the development over a private easement to Tolland Turnpike. The developer had to extend the sanitary sewer line from Location "A" to Location "B" as shown on the map provided. The applicant obtained approval from the Eighth Utilities District for connection. The field change was approved administratively.

HERBERT ROWAN – 50 Dennison Ridge Drive – Inland Wetlands Permit (R-121) – Agent Approval

Ms. Bertotti explained that this application was for the installation of a 10' x 16' shed. Mr. Bordeaux provided a memorandum and map for Commission members' review. A Kloter Farms shed was placed on stone and anchored with rebar and tie downs.

APPROVAL OF MINUTES:

June 1, 2009 – Public Hearing/Business Meeting

MOTION: Mr. Kidd moved to approve the minutes as written. Mr. Diminico seconded the motion. Members Sierakowski, Diminico and Kidd voted in favor. Mr. Dougan abstained. Motion passed 3-0.

June 15, 2009 – Business Meeting

MOTION: Mr. Kidd moved to approve the minutes as written. Mr. Diminico seconded the motion. Members Sierakowski, Diminico and Kidd voted in favor. Mr. Dougan abstained. Motion passed 3-0.

RECEIPT OF NEW APPLICATIONS:

TOWN OF MANCHESTER PLANNING AND ZONING COMMISSION – Zone Regulation Changes at Article II Sections 10.01.05, 10.04.01, 11.02.11, 12.02.10, 23.01.05 & 22.04.07 (T-502) – regulation amendments to allow residential units above the first floor in B-I, B-II, B-III and NB zones as permitted use for four or less dwelling units or the combined floor area of 5,000 sq. ft. or less; and as a special exception for five or more units or the combined floor area of more than 5,000 sq. ft.

TOWN OF MANCHESTER PLANNING AND ZONING COMMISSION – Zoning Regulation Amendments: Article IV, Section 20.01.03 (T-504) – regulation amendment regarding minor changes to approved special exceptions.

TOWN OF MANCHESTER PLANNING AND ZONING COMMISSION – Zoning Map Amendment (T-505) – extension of Design Overlay Zone to include remaining parcels in Business I, II, III, V and Neighborhood Business zoning districts.

EMMES REALTY MANAGEMENT LLC – 1127 Tolland Turnpike – Special Exception Modification (E-50) – Increase height of parapets on two corners of the building for the purpose of adding identification signs.

The chairman closed the business meeting at 8:14 p.m.

I certify these minutes were adopted on the following date:

February 1, 2010
Date

Eugene Sierakowski, Chairman

NOTICE: THE CASSETTE TAPE RECORDING OF THE BUSINESS MEETING CAN
BE HEARD IN THE PLANNING DEPARTMENT.

OFFICIAL TAPE NO. 1060